

Spain

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Freedom of the Press

In 2013, conditions for press freedom continued to decline in Spain, due largely to the effects of the European economic crisis. Media outlets were shuttered, and the dwindling number of jobs in the sector led to increased self-censorship and hurt the quality of reporting.

Freedom of expression is guaranteed in Section 20 of the constitution, and press freedom is generally respected in practice, though the media face legal threats including defamation suits. The country launched a first-of-its-kind “right to be forgotten” campaign against the search-engine giant Google in 2011. The effort began as a libel suit in January of that year, when the Spanish Data Protection Agency ordered Google to remove articles on roughly 90 citizens who wanted old personal information to be deleted from search results. In March 2012, Spain referred the case to the European Court of Justice (ECJ) to clarify whether European or U.S. data-protection standards apply, and whether Google could be instructed to remove content from its search engine, even if it was not the creator of that content. In June 2013, a top adviser to the ECJ declared that Google would not be required to remove content under a “right to be forgotten,” though the statement was not legally binding. The case remained pending at the end of 2013. In a separate case, the Spanish Supreme Court ruled in May that Google is not liable for links to news sites containing false accusations under Spain’s transposition law, the Ley de Servicios de la Sociedad de la Información, which eliminates liability on the condition that the provider does not have actual knowledge of the content of the linked site.

The authorities monitor websites that publish hate speech and advocate anti-Semitism. In March 2012 the government began enforcing the so-called Sinde law, a measure that allows for the blocking of websites containing copyrighted content that has been used without permission. In March 2013, the government advanced draft legislation known as the Lassalle law that, if approved by the parliament, would impose fines of up to €300,000 (\$390,000) on sites that repeatedly infringe on intellectual property rights or fail to take down illegal content.

In late 2013, the government proposed a controversial citizens’ security bill, the Ley Orgánica para la Protección de la Seguridad Ciudadana, which would greatly restrict a citizen’s right to protest and has worrying implications for freedom of expression. The bill’s many areas of concern include fines of up to €600,000 for grave violations such as organizing demonstrations outside the sites of critical infrastructure or committing three serious infractions within two years; up to €30,000 for insulting the state or its symbols, causing disturbances outside the parliament, or disseminating information that encourages violent public protest; and up to €1,000 for threatening a police officer during a demonstration or publishing slanderous information about institutions or public safety officers. All of the bill’s penalties would be imposed as administrative fines, outside a court of law. A separate bill on criminal proceedings was proposed in June; under that bill, a judge would have the power to order media outlets to cease reporting on legal proceedings.

In December 2013, Spain passed its first freedom of information legislation, the Ley de Transparencia, Acceso a la Información Pública y Buen Gobierno. However, the law was heavily criticized by civil society groups and the Organization for Security and Cooperation in Europe’s representative on freedom of the media for shortcomings including a lack of independent oversight.

Since 2006, the head of state-run Radio y Televisión Española (RTVE) had been elected by a two-thirds majority vote in the parliament. This process was originally developed to ensure the institution's independence, but it often resulted in political standoffs. The government of Prime Minister Mariano Rajoy and his Popular Party reformed the process in May 2012 and introduced a simple majority vote. They also reduced the number of management board members, allocated seats on the board according to each party's parliamentary representation, and appointed Leopoldo González-Echenique as RTVE president. According to critics, these developments resulted in growing government influence at the outlet. In 2013, RTVE cut \$31 million from its budget due to continued economic hardships, and it has auctioned off 29 properties, including its flagship studio in Madrid.

Unlike in 2011, when several media workers were assaulted while covering protests, there were no reports of attacks against journalists in 2013. Spain has a free and diverse media sector, including both public and private print and broadcast outlets. The country's newspapers cover a wide range of perspectives, although their ownership is concentrated in the hands of a few large companies. RTVE runs public radio and television channels, and regional and local stations operate throughout the country. The government relaxed media ownership rules in 2009, allowing a single entity to own a stake in more than one major broadcaster. However, safeguards include a mandate for the market to include at least three distinct broadcasting companies, and a ban on mergers between the two leading companies.

The economic crisis has seriously affected Spain's media industry, including the integrity of its reporting. Between 2008 and early 2013, at least 73 outlets closed. Nearly 10,000 journalists have lost their jobs since the start of the crisis, with nearly 5,000 laid off in 2012. Those still working receive only about half of their previous salary. In November 2013, Valencia's public broadcaster, RTVV, was shuttered, leaving its 1,700 employees without jobs. The closure came after 1,000 laid-off employees successfully challenged their termination in court. Rather than rehire the employees, RTVV's director shut down the whole operation. On November 29, RTVV employees defied the shutdown and continued broadcasting programs, lambasting their employers and denouncing political pressures to self-censor over the years, until the police evicted them.

Many papers receive large government subsidies or funding from banks and large corporations, which can encourage self-censorship and create pressure to skew reporting. According to a 2013 survey of over 1,700 journalists across Spain carried out by the Asociación de la Prensa de Madrid, 80 percent of respondents said they had been pressured into changing or removing content. Almost 90 percent of respondents said their work had been affected by the economic crisis. The crisis has also had an impact on the public's trust in the media. Only 53 percent of Spaniards believe that journalists are honest, according to a poll released in February 2012.

Approximately 72 percent of the population had access to the internet in 2013. With the decline of traditional media, Spain has experienced a rapid increase in the use of digital media, which has benefited social minorities and supported political pluralism and digital activism.

2014 Scores

Press Status

Free

Press Freedom Score

(0 = best, 100 = worst)

28

Legal Environment

(0 = best, 30 = worst)

6

Political Environment

(0 = best, 40 = worst)

14

Economic Environment

(0 = best, 30 = worst)

8